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CRP No. 801 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

C.R.P.No. 801 of 2025

and C.M.P.No.4675 of 2026

S. Senthamarai

..Petitioner

Vs

1. Rama Rao

2. S. Keerthigadevi

3. S. Nanda Manikandan

..Respondents

PRAYER – This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 10.02.2025 made in I.A No.17 of 2025 in OS No.322 of 2000 on the file of the Principal Sub Court, Puducherry.

For Petitioner:

Mr.V.S.Senthilkumar

For 1st Respondent:

Mr.S.Subramanian

For Respondents 2 & 3:

Mr.V.Johnson Yuvaraj

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 10.02.2025 passed by the learned Principal Sub Judge, Puducherry.

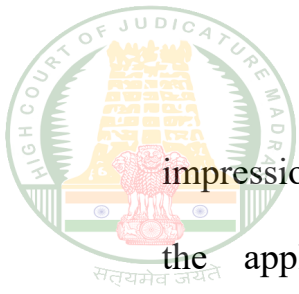


in I.A.No.17 of 2025 in O.S.No.322 of 2000.

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2.Under the aforesaid order, the Trial Court has appointed an Advocate Commissioner to send the document namely the alleged sale agreement said to have been entered into between the respondents and the petitioner to a forensic laboratory, since the petitioner has disputed the existence of any sale agreement between the respondents and the petitioner. The petitioner has also disputed through her written statement that she never affixed her thumb impression in the alleged sale agreement. The suit has been filed for specific performance of the said sale agreement by the 1st respondent against the petitioner and the respondents 2 and 3, who are the children of the petitioner. During the course of trial, I.A.No.17 of 2025 was filed by the 1st respondent, seeking for appointment of an Advocate Commissioner as stated supra. The Trial Court, under the impugned order, has also allowed the said application by appointing an Advocate Commissioner. Aggrieved by the same, this Civil Revision Petition has been filed.

3.The contentions of the petitioner before this Court is that the Trial Court ought not to have entertained I.A.No.17 of 2025 at this belated stage, that is during the course of trial. According to the petitioner, since the petitioner has made categorical plea in her written statement that she never affixed her thumb



impression in the alleged sale agreement, the 1st respondent ought to have filed the application seeking for appointment of Advocate Commissioner immediately after the petitioner having filed the written statement, but instead, chose to file I.A.No.17 of 2025 only during the course of trial.

4.The learned counsel for the 1st respondent/plaintiff would submit that during cross-examination of petitioner, the petitioner has admitted that she was in the habit of affixing thumb impression in documents. Therefore, he would submit that there was a necessity for the 1st respondent to file I.A.No.17 of 2025, which came to be allowed by the Trial Court. If the petitioner is confident that she has not affixed her thumb impression in the alleged sale agreement said to have been executed by the petitioner in favour of the respondents, she could very well contest the main suit on merits. But, instead, has chosen to file this Civil Revision Petition as against the impugned order.

5.The Trial Court has exercised its discretion based on the available materials on record and has decided to allow I.A.No.17 of 2025 filed by the 1st respondent in O.S.No.322 of 2000, by appointing an Advocate Commissioner to send the disputed document to the Forensic Laboratory to unearth the truth with regard to affixture of thumb impression by the petitioner in the alleged sale agreement. Having exercised discretion based on the available materials on record, the question of entertaining this Civil Revision Petition at this stage does



not arise. The petitioner who is confident that she will succeed in the suit since according to her, she never affixed her thumb impression in the alleged sale agreement, will have to necessarily contest the suit on merits and cannot chose to file Civil Revision Petition as against the impugned order.

6.This Court is not expressing any opinion on the merits of the respective contentions in this Civil Revision Petition. The Trial Court is also directed to dispose of the suit uninfluenced by any of the observations made by this Court, in the suit. Apart from that, in the impugned order passed in I.A.No.18 of 2025, the Trial Court also directed the petitioner to affix her thumb impression afresh, for verification and analysis by Forensic Science Laboratory, Puducherry. As observed earlier, since the petitioner is confident of success in the suit, no prejudice will be caused to the petitioner if the impugned order passed in I.A.No.17 of 2025 is also sustained by this Court.

7.For the foregoing reasons, this Civil Revision Petition is disposed of by directing the Trial Court to dispose of the suit in O.S.No.322 of 2000, on the file of the Principal Sub Court at Puducherry, uninfluenced by any of the observations made by this Court in this order as this Court has not expressed any opinion with regard to the merits of the respective contentions as raised in this Civil Revision Petition. It is left open for the petitioner to raise all objections with regard to maintainability of the suit during the final arguments



to be made in the main suit. No costs. Consequently, connected Miscellaneous
Petition is closed.

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15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gsa

To

The Principal Subordinate Judge,
Puducherry.



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ABDUL QUDDHOSE, J.

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